

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**DONYEAL HENRY and
NICKI HENRY,**

Plaintiffs,

v.

No. 2:08-cv-02346-BBD-cgc

**ALLSTATE PROPERTY AND
CASUALTY INSURANCE COMPANY
and LOYD JONES,**

Defendants.

**REPORT AND RECOMMENDATION ON
DEFENDANT LOYD JONES'S MOTION FOR RULE 11 SANCTIONS**

Before the Court is Defendant Loyd Jones's Motion for Rule 11 Sanctions (Docket Entry "D.E." #264), which was filed on January 4, 2011. The instant motion was referred to United States Magistrate Judge Charmiane G. Claxton, who held a hearing on the motion on March 29, 2011.

In the motion, Defendant argues that Plaintiffs violated Rule 11 of the Federal Rules of Civil Procedure by filing a Motion to Strike the Answer of Loyd Jones Pursuant to Rule 37 of the Federal Rules of Civil Procedure (D.E. #194). However, "[b]y its own terms, Rule 11 'does not apply to disclosures and discovery requests, responses, objections, and motions under Rules 26 through 37.'" Jones v. Illinois Central R. Co., 617 F.3d 843, 856 (6th Cir. 2010) (quoting Fed. R. Civ. P. 11(d)). As Defendant's motion seeks Rule 11 sanctions on grounds not permitted by the rule, the Court RECOMMENDS that Defendant Loyd Jones's Motion for Rule 11 Sanctions be DENIED.

DATED this 21st day of April, 2011.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.